



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during April 2014
DISTRIBUTED: May 16, 2014

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Quirk Kennebec Co. d/b/a Quirk Ford of Augusta, Hallowell, Maine. Quirk Kennebec Co. ("Quirk") violated the Department's rule for *New Motor Vehicle Emission Standards* by selling a vehicle that does not meet the California-certified emission standard required by the rule. To resolve the violation, Quirk paid \$4,342 as a civil monetary penalty.

Land:

Bowditch Road, LLC, Boothbay Harbor, Maine. Bowditch Road, LLC ("Bowditch") violated Maine's *Natural Resources Protection Act* by placing fill, or causing fill to be placed, adjacent to a protected natural resource without first obtaining a permit from the Department. Bowditch violated Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Department inspections documented that an approximately 512-square foot pier had been constructed attached to a previously permitted boathouse that extended over a coastal wetland, a 351-square foot boat service deck had been constructed within ten feet of the coastal wetland, and approximately 3,700 square feet of area adjacent to the coastal wetland had been filled or disturbed. At the time of the Department's inspection of the fill area, insufficient erosion controls were installed on the site. Subsequent to Department involvement, Bowditch submitted, and the Department approved, an after-the-fact permit to: directly impact five square feet of coastal wetland and indirectly impact 138 square feet of coastal wetland to relocate and reconstruct a portion of the pier; construct a twenty eight square foot winch shed; and retain 332 square feet of the boat service deck. To resolve the violations, Bowditch agreed to remove all portions of the pier and boat service deck not permitted in the after-the-fact permit and to submit a plan to create a vegetated buffer strip in any fill within seventy five feet of the coastal wetland or, in the alternative, remove all fill within seventy five feet of the coastal wetland and reestablish vegetation. In addition, Bowditch paid \$3,448 as a civil monetary penalty.



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Sue Ellen Fitzgerald, Phippsburg, Maine. Sue Ellen Fitzgerald violated Maine's *Natural Resources Protection Act* by placing, or causing to be placed, fill material adjacent to a coastal wetland without first obtaining a permit from the Department and by causing a permanent structure, namely a stone-paver patio, to be constructed adjacent to a coastal wetland without first obtaining a permit from the Department. To resolve the violations, Sue Ellen Fitzgerald agreed to remove the patio and stabilize the altered area with vegetation to the Department's satisfaction and paid \$1,600 as a civil monetary penalty.

Richard Martin d/b/a Freedom Timber Products, Knox, Maine. Richard Martin d/b/a Freedom Timber Products ("Freedom Timber") violated Maine's *Natural Resources Protection Act* by displacing soil and vegetation in and adjacent to a river, stream or brook and by dewatering 200 feet of a river, stream or brook without first obtaining a permit from the Department. Freedom Timber violated Maine's *Protection and Improvement of Waters* law by discharging a pollutant, namely soil, to waters of the state without first obtaining a license from the Department. Freedom Timber violated Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. A Department inspection documented that Freedom Timber had repeatedly crossed a stream with a skidder causing water to be diverted out of the stream channel. Sediment had been discharged to the stream as a result of the skidder crossings. To resolve the violations, Freedom Timber agreed to submit to the Department for review and approval a plan to permanently stabilize the stream and stream banks and paid \$2,095 as a civil monetary penalty.

Solid Waste:

Daniel A. Pray, Sr. d/b/a Grant's Septic Service, Ebeemee Township, Bradford, Hudson, Orneville Township, Charleston, Maine. Daniel A. Pray, Sr. ("Pray") violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* and the Department's *Septage Management Rules* by disposing of septage on five properties without a license. In addition, Pray violated Maine's rules for *Non-Hazardous Waste Transporter Licenses* by transporting septage to facilities not licensed, or exempt from licensing, by the State of Maine and failing to maintain and submit manifest forms for all septage transported. To resolve the violations, Pray agreed to pay \$10,000 as a civil monetary penalty, according to a payment schedule.



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District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Gregory Boynton, Rockland, Maine. Gregory Boynton ("Boynton") violated Maine's *Natural Resources Protection Act* by placing fill, or causing fill to be placed, in freshwater wetlands without first obtaining a permit from the Department. In addition, Boynton violated Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Department inspections documented that approximately 9,438 square feet of freshwater wetlands had been filled on a property owned by Boynton without a permit. At the time of the Department inspection, erosion controls had not been installed to effectively prevent the unreasonable erosion of soil. In a Consent Decree and Order entered into by the parties, and approved by the court, Boynton agreed to submit to the Department a restoration plan, for review and approval, to remove the fill and restore the wetland area to its pre-existing condition, or, in the alternative, submit an after-the-fact application to retain the unpermitted fill. In addition, Boynton agreed to pay \$3,000 as a civil monetary penalty, of which \$1,500 will be paid according to a payment schedule, and \$1,500 suspended and permanently waived if Boynton complies with all provisions of the Decree.